

**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
1038-384 MIS

In Re Application Of: Sonia E. Sanhueza et al



Serial No.  
08/286,189

Filing Date  
August 5, 1994

Examiner  
J. Parkin

Group Art Unit  
1641

Title: INACTIVATED RESPIRATORY SYNCYTIAL VIRAL VACCINES

**TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:**

Transmitted herewith is:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PTENT ABANDONED UNAVOIDABLY UNDER 37  
CFR 1.137(a)**

in the above identified application.

- No additional fee is required.
- A check in the amount of \$110.00 is attached.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. as described below. A duplicate copy of this sheet is enclosed.
  - Charge the amount of
  - Credit any overpayment.
  - Charge any additional fee required.

**RECEIVED**

MAR 12 2001

OFFICE OF PETITIONS

  
*Michael I. Stewart*  
Signature

Dated: March 6, 2001

Michael I. Stewart - Reg. No. 24,973

Sim & McBurney

6th Floor

330 University Avenue  
Toronto, Ontario  
Canada, M5G 1R7

I certify that this document and fee is being deposited on with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)  
1038-384 MIS

First named inventor: Sonia E. Sanhueza et al

Group Art Unit: 1641

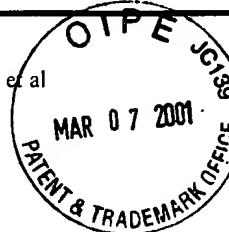
Application Number: 08/286,189

Examiner: J. Parkin

Filed: August 5, 1994

Title: INACTIVATED RESPIRATORY SYNCYTIAL VIRAL VACCINES

Attention: Office of Petitions  
 Assistant Commissioner for Patents  
 Box DAC  
 Washington, D.C. 20231



NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

small entity statement enclosed herewith.

small entity statement previously filed.

other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

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2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of a Notice of Appeal (identify the type of reply):

has been filed previously on December 20, 2000.

is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

has been paid previously on \_\_\_\_\_

is enclosed herewith.

**[Page 1 of 3]**  
 Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

March 6, 2001

Date

Michael Stewart

Signature

Telephone

Number: ( 416 ) 595-1155Michael I. Stewart - Reg. No. 24,973

Typed or printed name

Sim & McBurney, 330 University Avenue, 6th Floor,

Address

Toronto, Ontario, Canada, M5G 1R7.Enclosures:  Fee Payment**RECEIVED** Reply**MAR 12 2001** Terminal Disclaimer Form**OFFICE OF PETITIONS** Small Entity Status Form Additional sheets containing statements establishing unavoidable delay \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

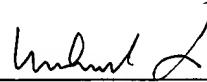
- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

March 6, 2001  
Date



Signature

Michael I. Stewart - Reg. No. 24,973

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Notice of Appeal responsive to the Office Action was placed with DHL Courier on December 20, 2000. In our experience, items consigned to DHL Courier are delivered the next working day at the PTO.

However, this correspondence was not delivered to the PTO until a day later, i.e., outside the time frame permitted for the Amendment.

The abandonment was unavoidable. We rely on DHL to deliver the next working day to the PTO. An enquiry of DHL as to why this shipment was delayed has not elicited any response.

It is submitted that the application ought to be revived.

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*(Please attach additional sheets if additional space is necessary)*